

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:)
The Roman Catholic Diocese of) Case No. 23-60507 (PGR)
Ogdensburg, New York,) Chapter 11
Debtor.)
)

**DECLARATION IN SUPPORT OF APPLICATION FOR ENTRY OF AN
ORDER REDUCING TIME FOR NOTICE OF MOTION TO EXTEND
EXCLUSIVE PERIODS PURSUANT TO 11 U.S.C. § 1121(d)**

Pursuant to 28 U.S.C. § 1746, Charles J. Sullivan, hereby declares as follows:

1. I am an attorney duly licensed to practice law in the State of New York and before this Court and am a Member of the law firm of Bond, Schoeneck & King, PLLC, counsel to The Roman Catholic Diocese of Ogdensburg, New York (the “Diocese”). As such, I am fully familiar with the facts and circumstances set forth herein.
2. I make this Declaration in support of the Diocese’ request to reduce the time for notice of the hearing to consider the Diocese’s *Motion for Order Extending Exclusive Periods Pursuant to 11 U.S.C. § 1121(d)* (the “Motion”)¹ filed with the Court on October 25, 2023. The Motion seeks the entry of an order, pursuant to 11 U.S.C. § 1121(d), to extend the Diocese’s exclusive period to file a chapter 11 plan (the “Exclusive Period”) and to solicit acceptance of such plan (the “Solicitation Period”) from November 14, 2023 and January 13, 2024, respectively, to February 12, 2024 and April 12, 2024, respectively.
3. Local Rule 9013-1(e) requires that notices of motion hearings must be served 21 days prior to the hearing date.

¹ Capitalized terms that are not defined in this Declaration have the meanings ascribed to them in the Motion.

4. Bankruptcy Rule 9006(c)(1) provides that “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.”

5. The Court’s next available motion calendar date that the Motion could be heard without shortening the 21-day notice period is December 5, 2023. However, the Diocese believes that setting a hearing on the Motion for November 7, 2023, would allow for a sufficient notice period under the circumstances and that an expedited hearing would facilitate progress and greater efficiencies for the Diocese’s Chapter 11 Case.

6. The Diocese currently has additional motions pending on November 7, 2023, and the Diocese does not believe that there will be substantial opposition to the relief requested in the Motion at this early state in the Diocese’s Chapter 11 Case. Therefore, the Diocese respectfully submits that the consideration of the Motion at the November 7, 2023 hearing would allow the parties in interest sufficient time to review the relief requested and consolidate consideration of the Motion with a previously scheduled hearing.

7. Additionally, as the Court is aware, the Diocese’s Motion for Entry of an Order Referring Certain Matters to Mediation [Docket No. 44] (the “Mediation Motion”), was granted on consent. However, the parties were not able to agree on a form of order granting the Mediation Motion, and accordingly, various forms of proposed orders were submitted to the Court for approval.

8. The Diocese anticipates once the order approving the Mediation Motion entered, the parties will immediately begin informal discussions regarding the commencement of mediation with formal in-person mediation sessions potentially beginning in as little as 60 days

thereafter. The Diocese respectfully submits that the Exclusive Periods are critical to the success of the mediation, particularly in the early stages.

9. For the reasons set forth in this Declaration and the Motion, the Diocese respectfully requests that the Court issue an order reducing the notice period applicable to the hearing to consider the Motion and schedule the hearing on the Motion for 1:00 p.m. on November 7, 2023, or as soon thereafter as counsel can be heard. Under the circumstances presented, the Diocese submits that cause exists for reducing the notice period and scheduling the hearing on the Motion for November 7, 2023 in Utica, New York (the "Motion Hearing"). The Diocese respectfully submits that an order reducing time for the hearing to consider the Motion will not prejudice any party in interest and will benefit the Diocese's estate by eliminating the risk that an open issue such as exclusivity would delay or hinder efforts at arriving at an acceptable global resolution at mediation.

10. Upon the entry of the order reducing the time for notice of the Motion Hearing, the Diocese is prepared to serve, no later than 5:00 p.m. on the date any order granting this Application to shorten time may be entered, a copy of such order, together with notice of the Motion and the date and time of the Hearing upon, (i) the Office of the United States Trustee for the Northern District of New York, 10 Broad Street, Room 105, Utica, NY 13501, Attn: Erin Champion, (ii) counsel to the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones LLP, 780 Third Avenue, 34th Floor, New York, NY 10017, Attn: Ilan D. Scharf, and (iii) those persons who have formally appeared and requested service in this case pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure.

11. The Diocese, therefore, respectfully request that this Court enter an order (a) scheduling the Hearing for 1:00 p.m. (prevailing Eastern Time) on November 7, 2023 in

Utica, New York, (b) reducing the notice period required for the Hearing, and (c) granting such other and further relief as the Court may deem just and proper.

12. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 25, 2023

/s/ *Charles J. Sullivan*

Charles J. Sullivan